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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/723,293 | 11/26/2003 | David O. Skura | 11440 | 5559 |

26890 7590 09/10/2007
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DAYTON, OH 45479

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| EXAMINER |
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OSMAN, RAMY M

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| ART UNIT | PAPER NUMBER |
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2157

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| MAIL DATE | DELIVERY MODE |
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09/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|------------------------------|--|
| Office Action Summary | Application No. 10/723,293 | Applicant(s) SKURA ET AL. | |
| | Examiner Ramy M. Osman | Art Unit 2157 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to application filed on November 26, 2003. Claims 1-20 are pending examination.

Drawings

2. The drawings filed on 11/26/2003 are acknowledged and are acceptable.

Claim Rejections - 35 USC § 101

3. Claims 8&15 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These independent claims appear to be showing nothing more than a mere transfer of data which in and of itself presents no tangible result. There is no apparent determining or manipulating or other type of action performed to produce a tangible result. The final result of the claim must produce a useful, concrete and tangible result. (see MPEP 2106

Section IV. C.)

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-3,6-12,14-19 rejected under 35 U.S.C. 102(e) as being Wu by (US Patent Publication No 6,122,189).**

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6. In reference to claim 1, Wu teaches a method for managing a preference, comprising:
receiving a preference over a network associated with an entity during a first transaction with a service; storing the preference in a data store; (§ 44 and 49)
identifying a second transaction made by the entity for the service (§ 50);
installing the preference on a computing device of the entity (§53); and
activating the service, wherein the service automatically uses the preference from the computing device of the entity (§ 53 & 54).
7. In reference to claim 2, Wu teaches the method of claim 1 wherein the installing further includes creating a cookie within a browser, wherein the cookie includes the preference and the service consumes the cookie to acquire the preference (§§55 & 58).
8. In reference to claim 3, Wu teaches the method of claim 1 wherein the receiving further includes identifying the preference as a search query that is processed by the service (§§54 & 55).
9. In reference to claim 6, Wu teaches the method of claim 1 wherein the identifying further includes detecting a login as the second transaction from the entity to the service and performing the installing immediately after the login is successful (§§53 & 54).
10. In reference to claim 7, Wu teaches the method of claim 1 wherein the processing of the method acts as a front-end interface to the service (§§48-50).
11. In reference to claims 8-12 & 14, claims 8-12 & 14 are system claims that correspond to the method claims of claims 1-3 & 6-7. Therefore, claims 8-12 & 14 are rejected based upon the same rationale as given for claims 1-3 & 6-7 above.

12. In reference to claims 15-19, claims 15-19 are computer readable medium claims that correspond to the method claims of claims 1-3 & 6-7. Therefore, claims 15-19 are rejected based upon the same rationale as given for claims 1-3 & 6-7 above.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. **Claims 4,5,13,20 rejected under 35 U.S.C. 103(a) as being unpatentable over Wu by (US Patent Publication No 6,122,189).**

15. In reference to claim 4, Wu teaches the method of claim 1. Wu fails to explicitly teach wherein the storing further includes storing the preference in an Extensible Markup Language (XML) data format within the data store. However, "Official Notice" is taken that XML data format is old and well known in the art, and that it would have been obvious for one of ordinary skill in the art to modify Wu wherein the storing further includes storing the preference in an Extensible Markup Language (XML) data format within the data store because XML is a well known markup language with benefits such as facilitating the sharing of the structured data across different information systems.

16. In reference to claim 5, Wu teaches the method of claim 4. Wu fails to explicitly teach wherein the installing further includes installing the preference in an XML format on the computing device. However, "Official Notice" is taken that XML data format is old and well

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known in the art, and that it would have been obvious for one of ordinary skill in the art to modify Wu wherein the installing further includes installing the preference in an XML format on the computing device because XML is a well known markup language with benefits such as facilitating the sharing of the structured data across different information systems.

17. In reference to claims 13 & 20, claims 13 & 20 are system and computer readable medium claims respectively, that correspond to the method claims of claims 4-5. Therefore, claims 13 & 20 are rejected based upon the same rationale as given for claims 4-5 above.

Conclusion

18. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the above specified citations of the relied upon prior art are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and priority documents) is implied as being applied to teach the scope of the claims.

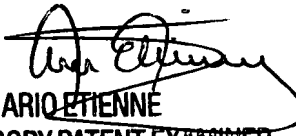
19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M. Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
August 31, 2007


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100